

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,  
HELD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR ASSEMBLY  
ROOM OF THE CITY/COUNTY BUILDING ON MONDAY, FEBRUARY 4, 2013  
AT 7:30 P.M.**

The meeting of the **New Albany City Council** was called to order by Mr. McLaughlin at 7:30 p.m.

**MEMBERS PRESENT:** Council Members Mr. Coffey, Mr. Phipps, Mrs. Benedetti, Mr. Blair, Mr. Gonder, Ms. Baird, Mr. Zurschmiede and President Mr. McLaughlin. Mr. Caesar was not present.

**ALSO PRESENT:** Police Chief Knight, Major Whitlow, Colonel Pennell, Shane Gibson, Ed Wilkinson, Chris Gardner, Michael Hall, David Duggins, John Rosenbarger, Stan Robison, Warren Nash and Vicki Glotzbach

**MOMENT OF REFLECTION:**

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Coffey moved to approve the Regular Meeting Minutes for January 17, 2013 with corrections, Mr. Phipps second, all voted in favor with the exception of Mr. Zurschmiede who abstained.**

**COMMUNICATIONS – PUBLIC:**

**Warren Nash** spoke in favor of G-13-02. He explained that since he has been a member of the Board of Public Works and Safety they have approved approximately 18 roadblocks at different locations in the city and it is very unsafe to have the individual standing out in the road when the cars are passing by. He stated that all the charities that are being collected for are very good organizations but he is afraid that someone is going to get hurt and the firemen even stopped collection because of the safety issues. He and urged the council to pass the ordinance.

**Pat Lilly** 2823 Plantation Court stated that he strongly opposes G-13-02 because he and his family do this at Spring and Silver for the Salvation Army which is a very worthy organization and it is one way they can help in a good, positive way. He stated that safety issues are important and they take every precaution and they have never had any issues in all the years they have been doing this. He explained that they collect on average over \$2,000.00 a year and it is very helpful to the Salvation Army. He asked if they pass an ordinance like this what is next to stop people from running or riding bikes because it is too dangerous. He asked that the council vote this ordinance down.

**David Stemler** stated that he is on the Salvation Army Advisory Board and they raise approximately \$6,000.00 per year through roadside collections. He stated that they follow all of the requirements that the city has now and wouldn't mind more requirements being imposed but it would be detrimental to their organization to lose this income.

**Gregory Roberts** with the E. Spring Street Neighborhood Association stated that he is in favor of G-13-01 and G-13-02. He explained that they also need to look at all ordinances on the book and how they enforce all the codes that are on the books.

**COMMUNICATIONS – CITY OFFICIALS:**

**Mrs. Benedetti** asked if the mayor has put together the City Park Board.

**Mr. Robison** stated that he is not sure and would not like to comment on it at this time but he will ask him about it.

**COMMUNICATIONS – MAYOR:**

**Mr. Hall** stated that the Mayor wanted to thank everyone for attending the Bicentennial Gala. He explained that Rob Sartell is going to be doing some work along West Main Street on the fencing and guardrail and this work will start at the end of this week or early next week.

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES AND RESOLUTIONS:      READING**

G-13-01	An Ordinance Prohibiting the Placement of Furniture and Appliances Outdoors	Phipps 1&2
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**Mr. Phipps introduced Bill No. G-13-01 for first and second reading, Mr. Coffey second, all voted in favor.**

**Mr. Phipps** stated that this is regarding overstuffed, indoor furniture and appliances. He explained that the furniture gets wet and holds mold which creates health problems. He stated that he looked up the penalties for this type of violation and it will be \$25 for the first offence, \$50 for the second, and \$100 for the third and this is in keeping with the other ordinances on the books.

**Mrs. Benedetti** stated that she would be in favor of increasing the fines.

**Mr. Phipps** stated that he thinks that would be a separate ordinance.

**Mr. Coffey** stated that there are some items that are being put out on Friday's along the road which is setting there on the weekend so he would love to add that it be put into the ordinance that it needs to be set out at least two days before pick-up.

**Mr. Phipps** explained that this is for people that have these things sitting permanently in their yards but that may be something they need to address in this as well.

**Mr. Coffey** stated that it probably needs to be under another ordinance as well so they should look to see if they have anything else that addresses this.

**Mr. Zurschmiede** stated that he totally agrees with the ordinance for the most part but some people have outside kitchens with appliances and some patio furniture that resembles indoor furniture so who will decide what is what.

**Mr. Phipps** stated that he believes that it can easily be discerned if they have a patio area with these things in good working order but if it is an abandoned piece of equipment that isn't connected or running.

**Mr. Zurschmiede** explained that they have so many ordinances that are not being enforced and he doesn't know what to do to improve that situation.

**Mr. Gonder** stated that he agrees that there are a lot of ordinances on the books that are not being enforced and there was some discussion with Mr. Brewer to add four more people to their staff.

**Mr. Coffey** stated that he is not in favor of authorizing any more employees until he sees results. He explained that he had to visit a particular area and take care of a problem because the enforcement officers were too scared to go to the area.

**Mrs. Benedetti** stated that she thinks they need to put some teeth behind it.

**Mr. Blair** stated that they should probably have the fines at a level that pays for the salary and benefits of those that are enforcing this.

**Mr. Coffey** stated that he knows that there are reasons for getting a job done and can get overwhelmed but if they have people that won't even take the first step then it will never get done.

**Mrs. Benedetti** stated that the council probably needs to see some reports from the Building Commissioner's office to see what they do to make sure these people are accountable when they get fined.

**Mrs. Benedetti** stated that Mr. Phipps may want to get with Mr. Lorch to look at the fines and see if they are appropriate.

**Mr. Phipps** stated that they may want to look at revamping the fine system on all ordinances because it would be silly to just do it on this one.

**Mr. Gonder** stated that he would like to see a stronger definition of the furniture.

**Mr. Phipps** stated that they probably need to look at the code system of the whole city to bring it up to date and clearer.

**Mr. Gonder** stated that if Mr. Brewer would like to come forward to ask for more he would be favorable to that but he would like to see the results for this.

**Mr. Zurschmiede** stated that he thought that one of the intentions of the person that was recently hired was to keep a log of calls that have been made and what they code enforcement officer has done.

**Mr. Phipps** stated that they will take a look at these concerns before the 2<sup>nd</sup> and 3<sup>rd</sup> reading.

G-13-02	An Ordinance Prohibiting Roadside Collections within the Public Roadways of the City of New Albany	Phipps 1&2
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**Mr. Phipps introduced Bill No. G-13-02 for first and second reading, Mr. Coffey second, all voted in favor with the exception of Mrs. Benedetti, Mr. Blair, and Mr. Gonder who voted no.**

**Mr. Phipps** stated that he became interested in this when he saw two near accidents at the intersection of Silver and Spring Street and thinks that is a very dangerous practice for both the individuals doing the collection and the drivers. He explained that all of the organizations are great organizations and are doing good work but it is an issue of public safety and they have to be very careful when they are giving people permission to stand in these intersections.

**Mrs. Benedetti** stated that she understands where he is going with this but she wishes that there were some alternative plans for these individuals to raise money.

**Mr. Phipps** stated that there some stores that allow charitable collections and there are other campaigns through the internet and the public right-of-way is a very dangerous place to be doing this.

**Mr. Blair** asked if there were any statistics at the local and national level regarding those that have gotten hurt while doing these types of collections.

**Mr. Phipps** stated that he doesn't but he is sure they could get something before the next meeting.

**Mr. Blair** stated that he agrees with Mrs. Benedetti and asked if there was a way to modify their regulations to make it safer instead of getting rid of it all together so they have a way to raise money.

**Mr. Gonder** asked if the fact that the Board of Works issues a permit could there be a waiver of some type that could be issued or required.

**Mr. Robison** stated that they could do a waiver of liability but it really is a safety issue.

**Mr. Coffey** stated that he has been involved in non-profits in the past and they did cook-outs or car washes instead of standing out in the road because it was a safety issue. He stated that there are a lot of people out on the weekends in the summer that are standing there holding buckets out for money and it is a huge safety issue.

**BOARD APPOINTMENTS:**

**MISCELLANEOUS ITEMS:**

**COMMUNICATIONS – PUBLIC (non-agenda items):**

**IN COMMITTEE:**

G-12-12	An Ordinance Amending the <i>Code of New Albany</i> Title IX: General Regulations, Chapter 99: STREETS AND SIDEWALKS, to include Section 99.03: RIGHT- OF-WAY MANAGEMENT PROGRAM, as permitted under Indiana Code 8-1-2-101, (a) through (d), to provide for the safety of the traveling public in the rights-of-way of the City of New Albany, Indiana.	McLaughlin 3
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**TABLED ORDINANCES:**

G-12-24	Ordinance Requiring Filing of Documents with City Clerk	Baird 3
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**ADJOURN:**

There being no further business before the board, the meeting adjourned at 8:10 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk